

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This amendatory Act may be referred  
5 to as Paul's Law.

6 Section 5. The Community-Integrated Living Arrangements  
7 Licensure and Certification Act is amended by changing Sections  
8 4 and 9 and by adding Sections 13, 14, and 15 as follows:

9 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

10 Sec. 4. (a) Any community mental health or developmental  
11 services agency who wishes to develop and support a variety of  
12 community-integrated living arrangements may do so pursuant to  
13 a license issued by the Department under this Act. However,  
14 programs established under or otherwise subject to the Child  
15 Care Act of 1969, the Nursing Home Care Act, or the MR/DD  
16 Community Care Act, as now or hereafter amended, shall remain  
17 subject thereto, and this Act shall not be construed to limit  
18 the application of those Acts.

19 (b) The system of licensure established under this Act  
20 shall be for the purposes of:

21 (1) Insuring that all recipients residing in  
22 community-integrated living arrangements are receiving

1 appropriate community-based services, including treatment,  
2 training and habilitation or rehabilitation;

3 (2) Insuring that recipients' rights are protected and  
4 that all programs provided to and placements arranged for  
5 recipients comply with this Act, the Mental Health and  
6 Developmental Disabilities Code, and applicable Department  
7 rules and regulations;

8 (3) Maintaining the integrity of communities by  
9 requiring regular monitoring and inspection of placements  
10 and other services provided in community-integrated living  
11 arrangements.

12 The licensure system shall be administered by a quality  
13 assurance unit within the Department which shall be  
14 administratively independent of units responsible for funding  
15 of agencies or community services.

16 (c) As a condition of being licensed by the Department as a  
17 community mental health or developmental services agency under  
18 this Act, the agency shall certify to the Department that:

19 (1) All recipients residing in community-integrated  
20 living arrangements are receiving appropriate  
21 community-based services, including treatment, training  
22 and habilitation or rehabilitation;

23 (2) All programs provided to and placements arranged  
24 for recipients are supervised by the agency; and

25 (3) All programs provided to and placements arranged  
26 for recipients comply with this Act, the Mental Health and

1           Developmental Disabilities Code, and applicable Department  
2           rules and regulations.

3           (d) An applicant for licensure as a community mental health  
4           or developmental services agency under this Act shall submit an  
5           application pursuant to the application process established by  
6           the Department by rule and shall pay an application fee in an  
7           amount established by the Department, which amount shall not be  
8           more than \$200.

9           (e) If an applicant meets the requirements established by  
10          the Department to be licensed as a community mental health or  
11          developmental services agency under this Act, after payment of  
12          the licensing fee, the Department shall issue a license valid  
13          for 3 years from the date thereof unless suspended or revoked  
14          by the Department or voluntarily surrendered by the agency.

15          (f) Upon application to the Department, the Department may  
16          issue a temporary permit to an applicant for a 6-month period  
17          to allow the holder of such permit reasonable time to become  
18          eligible for a license under this Act.

19          (g) (1) The Department may conduct site visits to an agency  
20          licensed under this Act, or to any program or placement  
21          certified by the agency, and inspect the records or premises,  
22          or both, of such agency, program or placement as it deems  
23          appropriate, for the purpose of determining compliance with  
24          this Act, the Mental Health and Developmental Disabilities  
25          Code, and applicable Department rules and regulations.

26          (2) If the Department determines that an agency licensed

1 under this Act is not in compliance with this Act or the rules  
2 and regulations promulgated under this Act, the Department  
3 shall serve a notice of violation upon the licensee. Each  
4 notice of violation shall be prepared in writing and shall  
5 specify the nature of the violation, the statutory provision or  
6 rule alleged to have been violated, and that the licensee  
7 submit a plan of correction to the Department if required. The  
8 notice shall also inform the licensee of any other action which  
9 the Department might take pursuant to this Act and of the right  
10 to a hearing.

11 (g-5) As determined by the Department, a disproportionate  
12 number or percentage of licensure complaints; a  
13 disproportionate number or percentage of substantiated cases  
14 of abuse, neglect, or exploitation involving an agency; an  
15 apparent unnatural death of an individual served by an agency;  
16 any egregious or life-threatening abuse or neglect within an  
17 agency; or any other significant event as determined by the  
18 Department shall initiate a review of the agency's license by  
19 the Department, as well as a review of its service agreement  
20 for funding. The Department shall adopt rules to establish the  
21 process by which the determination to initiate a review shall  
22 be made and the timeframe to initiate a review upon the making  
23 of such determination.

24 (h) Upon the expiration of any license issued under this  
25 Act, a license renewal application shall be required of and a  
26 license renewal fee in an amount established by the Department

1 shall be charged to a community mental health or developmental  
2 services agency, provided that such fee shall not be more than  
3 \$200.

4 (Source: P.A. 96-339, eff. 7-1-10.)

5 (210 ILCS 135/9) (from Ch. 91 1/2, par. 1709)

6 Sec. 9. By July 1, 1989, the Department shall adopt rules  
7 pursuant to the Illinois Administrative Procedure Act to  
8 establish minimum standards for licensing community-integrated  
9 living arrangements under this Act. These rules shall govern  
10 the operation and conduct of community-integrated living  
11 arrangements and shall provide for the license application  
12 process; agency standards and financial requirements;  
13 licensing, certification and license renewal procedures;  
14 revocation of licenses; notification to recipients of their  
15 rights and the ability to contact the Guardianship and Advocacy  
16 Commission; emergency actions which can be taken by the  
17 Department to protect recipients' rights, welfare, and safety;  
18 and any other rules deemed necessary to implement the  
19 provisions of this Act.

20 By December 31, 1996, the Department shall adopt rules  
21 under the Illinois Administrative Procedure Act that specify  
22 the components of reimbursement for community-integrated  
23 living arrangements and include costs as reported on the  
24 Interagency Statistical and Financial Report.

25 By December 31, 2011, the Department shall adopt rules

1 under the Illinois Administrative Procedure Act that govern the  
2 assignment and operations of monitors and receiverships for  
3 community-integrated living arrangements wherein the  
4 Department has identified systemic risks to individuals  
5 served. The rules shall specify the criteria for determining  
6 the need for independent monitors and receivers, their conduct  
7 once established, and their reporting requirements to the  
8 Department. These monitors and receivers shall be independent  
9 entities appointed by the Department and not staff from State  
10 agencies. This paragraph does not limit, however, the  
11 Department's authority to take necessary action through its own  
12 or other State staff.

13 (Source: P.A. 89-31, eff. 6-23-95.)

14 (210 ILCS 135/13 new)

15 Sec. 13. Registry checks for employees.

16 (a) Within 60 days after the effective date of this  
17 amendatory Act of the 97th General Assembly, the Department  
18 shall require all of its community developmental services  
19 agencies to conduct required registry checks on employees at  
20 the time of hire and annually thereafter during employment. The  
21 required registries to be checked are the Health Care Worker  
22 Registry, the Department of Children and Family Services' State  
23 Central Register, and the Illinois Sex Offender Registry. A  
24 person may not be employed if he or she is found to have  
25 disqualifying convictions or substantiated cases of abuse or

1 neglect. At the time of the annual registry checks, if a  
2 current employee's name has been placed on a registry with  
3 disqualifying convictions or disqualifying substantiated cases  
4 of abuse or neglect, then the employee must be terminated.  
5 Disqualifying convictions or disqualifying substantiated cases  
6 of abuse or neglect are defined for the Department of Children  
7 and Family Services' State Central Register by the Department  
8 of Children and Family Services' standards for background  
9 checks in Part 385 of Title 89 of the Illinois Administrative  
10 Code. Disqualifying convictions or disqualifying substantiated  
11 cases of abuse or neglect are defined for the Health Care  
12 Worker Registry by the Health Care Worker Background Check Act  
13 and the Department's standards for abuse and neglect  
14 investigations in Section 1-17 of the Department of Human  
15 Services Act.

16 (b) In collaboration with the Department of Children and  
17 Family Services and the Department of Public Health, the  
18 Department of Human Services shall establish a waiver process  
19 from the prohibition of employment or termination of employment  
20 requirements in subsection (a) of this Section for any  
21 applicant or employee listed under the Department of Children  
22 and Family Services' State Central Register seeking to be hired  
23 or maintain his or her employment with a community  
24 developmental services agency under this Act. The waiver  
25 process for applicants and employees outlined under Section 40  
26 of the Health Care Worker Background Check Act shall remain in

1 effect for individuals listed on the Health Care Worker  
2 Registry.

3 (c) In order to effectively and efficiently comply with  
4 subsection (a), the Department of Children and Family Services  
5 shall take immediate actions to streamline the process for  
6 checking the State Central Register for employees hired by  
7 community developmental services agencies referenced in this  
8 Act. These actions may include establishing a website for  
9 registry checks or establishing a registry check process  
10 similar to the Health Care Worker Registry.

11 (210 ILCS 135/14 new)

12 Sec. 14. Transparency for individuals and guardians. By  
13 October 1, 2011, the Department shall make available to  
14 individuals and guardians upon enrollment a document listing  
15 telephone numbers and other contact information to report  
16 suspected cases of abuse, neglect, or exploitation. The  
17 information provided shall include a delineation of the  
18 individuals' rights. By July 1, 2012, the Department shall make  
19 available through its website information on each agency  
20 regarding licensure and quality assurance survey results;  
21 licensure and contract status; and substantiated findings of  
22 abuse, egregious neglect, and exploitation. The Department  
23 shall adopt rules regarding the posting of this information and  
24 shall inform individuals and guardians of its availability  
25 during the initial provider selection process.



1 (210 ILCS 135/15 new)

2 Sec. 15. Designation of representative. Any adult resident  
3 of a community-integrated living arrangement who does not have  
4 a legal guardian and has not been adjudicated incompetent may  
5 designate another adult of his or her choice to serve as the  
6 representative of the resident for the sole purpose of  
7 receiving notification from the agency or from the Department  
8 concerning any incident or condition regarding the health,  
9 safety, or well-being of the resident. The designation shall be  
10 made in writing and signed by the resident, the designated  
11 representative, and a representative of the agency. The agency  
12 shall inform the resident of his or her right to designate  
13 another adult as a representative for such purposes. The  
14 designation may be revoked in writing by the resident at any  
15 time. The agency shall provide a designation of representative  
16 form that is substantially the same as the following:

17 "DESIGNATION OF REPRESENTATIVE

18 I, (insert name), am..... years old and reside at.....

19 I have not been adjudicated incompetent and do not have a legal  
20 guardian.

21 I hereby delegate (insert name, phone number, and e-mail

1 address of designated representative), an adult who resides  
 2 at....., as my representative for the sole purpose of  
 3 receiving notification of any incident that may affect my  
 4 health, safety or well-being while a resident at....., and  
 5 hereby give my consent to (insert name of agency) to  
 6 communicate with (insert name of designated representative)  
 7 about any such incident.

8 I understand that I may revoke this Designation of  
 9 Representative at any time by notifying (insert name of agency)  
 10 in writing that I wish to do so.

11 I also understand that by executing this document I am waiving  
 12 my right to confidentiality, but only to the extent of the  
 13 authority conveyed in this document.

14 (Insert Name of Resident)

15 .....

16 Signature of Resident

17 (Insert Name of Representative)

18 .....

19 Signature of Representative

1 (Insert Name of Agency Representative)

2 .....

3 Signature of Representative".

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.